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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,773	07/29/2000	Dr. Catherine Lin Hendel Ph.D.	LH012	3830

35070	7590	08/10/2007
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EXAMINER	
HAQ, NAEEM U	

ART UNIT	PAPER NUMBER
3625	

MAIL DATE	DELIVERY MODE
08/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/628,773

Applicant(s)

HENDEL PH.D., DR. CATHERINE
LIN

Examiner

Naeem Haq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11-24, 26, 27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-24, 26, 27, and 29 is/are rejected.
- 7) ☒ Claim(s) 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This action is in response to the Applicant's amendment filed on May 22, 2007.

Claims 9, 10, and 25 have been cancelled. New claims 27-29 have been added.

Claims 1-8, 11-24, and 26-29 are pending and will be considered for examination.

Allowable Subject Matter

The indicated allowability of claim 24 is withdrawn in view of a new ground of rejection set forth below.

Claim 28 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and all intervening claims. The cited prior art does not teach or suggest a means for automatically dropping from the personalized auction monitor object that have been selected by the bidder in response to a preprogrammed event where the bid for the selected object goes beyond a predetermined price.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 6, 8, 10, 11, 15-18, 24, 26, 27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US Patent 5,835,896) in view of Hill (US Patent 5,970,471).

Referring to claims 1, 26, 27, and 29: Fisher teaches a system and method for an interactive, computer-assisted online auction using a computer with a display, comprising:

- personalized auction monitor for personalized auction monitoring of those objects selected by a bidder (column 6, lines 4-13, lines 46-67; column 8, lines 15-29);
- bid submitter for submitting a bid online for any one of the monitored objects (column 6, lines 21-38; column 7, lines 42-49; Figure 3);
- monitored object display for displaying the selected objects (Figure 1, item "280").

Fisher does not teach a plurality of independently moving graphical arrays adapted to be displayed together on said display, each independently moving graphical array including a plurality of objects from a category, wherein each object of any one independently moving graphical array is individually selectable. However, Fisher does teach that a bidder must select an item from a catalog presented to the bidder over a computer network (column 6, line 14 – column 7, line 41). Moreover, Hill teaches a

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method and apparatus for presenting objects in a virtual catalog (i.e. an electronic catalog) wherein the objects are displayed in a graphical array on a display with the graphical array containing a plurality of images of objects from a category and wherein each object is individually selectable (Figure 9, item "108"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Hill into the system and method of Fisher. One of ordinary skill in the art would have been motivated to do so in order to provide a person using Fisher's system with a convenient way of viewing and selecting a plurality of products, as taught by Hill. Fisher and Hill do not explicitly teach a plurality of graphical arrays with each array independently moving. However, Hill teaches that one feature of his invention is "...the ability to select individual product items as they are displayed in images boxes and to move the selected product items to a separate review screen. This permits the customer to browse through multiple categories of items and move selected product items to a separate review screen for later inspection and side-by-side comparison..." (column 2, lines 24-30). In other words, Hill teaches that a user can browse through several categories of products and select a subset of products for side-by-side comparison. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include a plurality of graphical arrays in the system and method of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow a use to view a plurality of categories of products for selection and comparison. Fisher does not teach a plurality of sets of array control buttons for controlling the movement of the moving graphical array, each

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respective set of array control buttons is associated with a different independently moving graphical array. However, Hill teaches that a user can scroll through a graphical array using a mouse input device (column 2, lines 7-14; column 6, lines 57-59; column 7, lines 33-34; Figure 9, item "110"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Hill into the system of Fisher. One of ordinary skill in the art would have been motivated to do so in order to provide a person using Fisher's system with a convenient way of viewing and selecting a plurality of products, as taught by Hill. Finally, Fisher teaches a means for selecting one or more objects for monitoring (Figure 1, item "260"). Fisher does not teach that the objects are selected from a plurality of graphical array. However, Hill teaches selecting objects from a graphical array (Figure 9, item "108"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Hill into the system of Fisher. One of ordinary skill in the art would have been motivated to do so in order to provide a person using Fisher's system with a convenient way of viewing and selecting a plurality of products, as taught by Hill.

Referring to claim 2: The cited prior art teaches or suggests all the limitations of claim 1 as noted above. Furthermore, Hill teaches that the graphical array includes a still image of said each object of the plurality of objects (Figure 9).

Referring to claims 3 and 4: The cited prior art teaches or suggests all the limitations of claim 1 as noted above. Furthermore, Hill teaches that the graphical array is selectably scrolled to bring within view of the display those objects previously not

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within view of the display and the array button includes continuous cycling button for selectively commanding the graphical array to cycle continually onto said display those objects, of the graphical array, beyond the screen of said display (Figure 9, item "108"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Hill into the invention of Fisher. One of ordinary skill in the art would have been motivated to do so in order to allow a user to view all the products in the catalog.

Referring to claim 6: The cited prior art teaches or suggests all the limitations of claim 1 as noted above. Furthermore, Hill teaches that one feature of his invention is "...the ability to select individual product items as they are displayed in images boxes and to move the selected product items to a separate review screen. This permits the customer to browse through multiple categories of items and move selected product items to a separate review screen for later inspection and side-by-side comparison..." (column 2, lines 24-30). In other words, Hill teaches that a user can browse through several categories of products and select a subset of products for side-by-side comparison. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include a plurality of graphical arrays in the system and method of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow a use to view a plurality of categories of products for selection and comparison.

Referring to claim 8: The cited prior art teaches or suggests all the limitations of claim 1 as noted above. Furthermore, Fisher teaches wherein the bid submitter includes detailed information about a respective monitored object (Figure 2).

Referring to claim 10: The cited prior art teaches or suggests all the limitations of claim 1 as noted above. Furthermore, Fisher teaches wherein the personalized auction monitor is periodically and automatically updated with new status information (column 6, lines 46-67; column 8, lines 15-29);

Referring to claim 11: The cited prior art teaches or suggests all the limitations of claim 1 as noted above. Furthermore, Fisher teaches wherein the personalized auction monitor for each selected object includes a textual description of the object and information regarding the status of the auction for the object as well as a bid submission box for the object (Figure 2; column 6, lines 46-67; column 8, lines 15-29).

Referring to claims 15 and 16: The cited prior art teaches or suggests all the limitations of claim 1 as noted above. Furthermore, Hill teaches that the system includes controls enabling the user to control the speed and direction of scrolling of the graphical array (Figure 9, item "110"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate these features into the system of Fisher. One of ordinary skill in the art would have been motivated to do so in order to give the user greater control over which images were presented to the user.

Referring to claims 17 and 18: Hill teaches that the graphical array scrolls vertically on the display (Figure 9, item "108" and "110"). Therefore it would have been

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obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the system of Fisher. One of ordinary skill in the art would have been motivated to do so in order to present the images of products in an aesthetically pleasing manner. Hill does not explicitly disclose that the graphical array scrolls horizontally on the display. However, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to reconfigure the product image window of Hill so that it scrolled horizontally. Applicant has not disclosed that the horizontal scrolling provides an advantage, is used for a particular purpose or solves a stated problem. Furthermore, one of ordinary skill in the art would have expected Applicant's invention to perform equally well with a vertical scrolling because the difference between vertical and horizontal scrolling is in presentation alone and does not affect the system. Therefore, it would have been obvious to one of ordinary skill in this art to modify the vertical scrolling of Hill to obtain the invention as specified in the claims and to incorporate it into the system of Fisher. One of ordinary skill in the art would have been motivated to do so in order to present the images of products in an aesthetically pleasing manner.

Referring to claim 24: Fisher teaches a system and method for an interactive, computer-assisted online auction using a computer with a display, comprising:

- personalized auction monitor for personalized auction monitoring of those objects selected by a bidder (column 6, lines 4-13, lines 46-67; column 8, lines 15-29);

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- bid submitter for submitting a bid online for any one of the monitored objects (column 6, lines 21-38; column 7, lines 42-49; Figure 3);
- monitored object display for displaying the selected objects (Figure 1, item "280").

Fisher does not teach a plurality of independently moving graphical arrays adapted to be displayed together on said display, each independently moving graphical array including a plurality of objects from a category, wherein each object of any one independently moving graphical array is individually selectable. However, Fisher does teach that a bidder must select an item from a catalog presented to the bidder over a computer network (column 6, line 14 – column 7, line 41). Moreover, Hill teaches a method and apparatus for presenting objects in a virtual catalog (i.e. an electronic catalog) wherein the objects are displayed in a graphical array on a display with the graphical array containing a plurality of images of objects from a category and wherein each object is individually selectable (Figure 9, item "108"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Hill into the system and method of Fisher. One of ordinary skill in the art would have been motivated to do so in order to provide a person using Fisher's system with a convenient way of viewing and selecting a plurality of products, as taught by Hill. Fisher and Hill do not explicitly teach a plurality of graphical arrays with each array independently moving. However, Hill teaches that one feature of his invention is "...the ability to select individual product items as they are displayed in images boxes and to move the selected product items to a separate review screen.

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This permits the customer to browse through multiple categories of items and move selected product items to a separate review screen for later inspection and side-by-side comparison..." (column 2, lines 24-30). In other words, Hill teaches that a user can browse through several categories of products and select a subset of products for side-by-side comparison. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include a plurality of graphical arrays in the system and method of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow a use to view a plurality of categories of products for selection and comparison. Fisher does not teach a plurality of sets of array control buttons for controlling the movement of the moving graphical array, each respective set of array control buttons is associated with a different independently moving graphical array. However, Hill teaches that a user can scroll through a graphical array using a mouse input device (column 2, lines 7-14; column 6, lines 57-59; column 7, lines 33-34; Figure 9, item "110"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Hill into the system of Fisher. One of ordinary skill in the art would have been motivated to do so in order to provide a person using Fisher's system with a convenient way of viewing and selecting a plurality of products, as taught by Hill. Finally, Fisher teaches a means for selecting one or more objects for monitoring (Figure 1, item "260"). Fisher does not teach that the objects are selected from a plurality of graphical array. However, Hill teaches selecting objects from a graphical array (Figure 9, item "108"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the

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invention was made, to incorporate the teachings of Hill into the system of Fisher. One of ordinary skill in the art would have been motivated to do so in order to provide a person using Fisher's system with a convenient way of viewing and selecting a plurality of products, as taught by Hill. The cited prior art does not teach displaying broadcast, narrow casts and streaming video for viewing in a split screen alongside web images, three-dimensional presentations, and detailed textual descriptions of objects. However, the Examiner notes that this limitation is not functionally involved in the elements of the recited system. Therefore this limitation is deemed to be nonfunctional descriptive material. The structural elements of the system would be the same regardless of what information were displayed in a split screen. The difference between the content of the Applicant's invention and the prior art is merely subjective. Thus this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) also see MPEP 2106. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to display any information in split screen format in the prior art because such information does not functionally or structurally relate to the elements of the claimed system and because the subjective interpretation of information does not patentably distinguish the claimed invention.

Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US Patent 5,835,896) in view of Hill (US Patent 5,970,471) as applied to claim 1 above, and further in view of Official Notice.

Referring to claims 20-22, Fisher and Hill do not teach a visual or audible cue to alert the viewer of an occurrence wherein the occurrence is that a predetermined amount of time remains to submit a bid before the auction terminates. However, Official Notice is taken that it is old and well known in the art to use visual and audible cues. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate various cues into the system and method of Fisher and Hill. One of ordinary skill in the art would have been motivated to do so in order to provide various forms of alerts to an event, as is well known in the art.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US Patent 5,835,896) in view of Hill (US Patent 5,970,471) and further in view of Anderson (US Patent 6,538,698 B1).

Fisher and Hill teach or render obvious all the limitations of claim 1. Fisher and Hill do not teach sorting the graphical arrays and objects according to different criteria. However, Anderson teaches a system for sorting images according to different criteria (column 5, line 6 – column 8, line 21). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the system of fisher and Hill. One of ordinary skill in the art would have been motivated to do so in order to ease browsing access by providing a more efficient way of locating of an image or a group of images, as taught by Anderson.

Claims 12-14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US Patent 5,835,896) in view of Hill (US Patent

5,970,471) as applied to claim 1 above, and further in view of Godin et al. (US Patent 5,890,138).

Referring to claims 12, 13, and 19, Fisher and Hill teach or render obvious all the limitations of claim 1. Fisher and Hill do not teach a second graphical array that displays objects to be auctioned at a future time. However, as already noted above, Hill renders obvious the use of a plurality of graphical arrays. Furthermore, Godin teaches a computer auction system that allows users to view product categories and products which are to be auctioned in the future and have a timestamp indicating the time at which the objects will be available (column 3, lines 41-53). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate these features into the system and method of Fisher and Hill. One of ordinary skill in the art would have been motivated to do so in order to generate interest in particular products, as taught by Godin.

Referring to claim 14, Hill teaches that the system includes controls enabling a user to start and stop scrolling of a plurality of arrays (Figure 9, item "110"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the system and method of Fisher. One of ordinary skill in the art would have been motivated to do so in order to allow a user to view all of the products that did not fit on the display screen.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US Patent 5,835,896) in view of Hill (US Patent 5,970,471) as applied to claim 1 above, and further in view of Burke (US Patent 6,026,377).

Fisher and Hill teach or render obvious all the limitations of claim 1. Fisher and Hill do not teach rotating three-dimensional objects on the display for three-dimensional viewing. However, Burke teaches rotating a three-dimensional object on a display for three-dimensional viewing (Figures 9, 10, and 11). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the system of Fisher and Hill. One of ordinary skill in the art would have been motivated to do so in order to allow a user to view a different side of a selected product, as taught by Burke (column 10, lines 22-44).

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. The Applicant has argued that Fisher does not teach a means for monitoring. The examiner respectfully disagrees, and notes that the exact limitation is "*means for selecting one or more objects...*" (emphasis added). Thus, the limitation is directed to the function of *selecting* and not the function of *monitoring*. For this reason, the examiner maintains the rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NAEEM HAQ
PRIMARY EXAMINER

August 6, 2007

